



RESOLUTION ON AZERBAIJAN

Despite the much-lauded release of political prisoners in March 2016, the persecution of critical voices in Azerbaijan has accelerated in recent months.¹ The challenges they face are severe and frequent and include death threats, surveillance, politically-motivated arrests on spurious charges, extended pre-trial detentions and custodial sentences.

Currently, dozens of journalists and activists are behind bars for exercising their right to free expression. They include popular journalist and blogger Mehman Huseynov, who was sentenced to two years in prison in March 2017 for defaming the staff of a police station, after he dared to go public about the abuse he allegedly suffered at the hands of police officers.² There are serious and credible allegations of torture and cruel, inhuman and degrading treatment or punishment against those detained in Azerbaijan for exercising their rights to freedom of expression, which are not adequately investigated.³

There is a clear pattern of the Azerbaijani authorities using charges of drugs or firearms possession, 'hooliganism' or tax evasion to arrest and imprison writers and journalists who criticise the authorities.⁴ Writer and blogger Rashad Ramazanov – well-known for his anti-government postings – has been in prison since 9 May 2013. He is serving a nine-year prison sentence on trumped-up charges of 'illegal possession and sale of drugs'.⁵

In an alarming development, Afgan Mukhtarli, a journalist and political activist, was kidnapped in Tbilisi, the capital of Georgia, on 29 May 2017 and forcibly taken to Azerbaijan, where he reappeared in police custody a day after vanishing.⁶ He was accused of illegal border crossing and smuggling and sentenced to six years in prison in January 2018. His case has caused considerable distress to other Azerbaijani dissidents living in exile in Georgia.

The family members of Azerbaijani dissidents living abroad have also been targeted. In December 2017, several relatives of Sahib Teymurov, a human rights defender from Azerbaijan now based in Canada, were detained by the police to pressure him to stop his activism. His step-brother was forcibly

¹ Joint submission to the Universal Periodic Review of Azerbaijan by ARTICLE 19, Freedom Now, Index on Censorship, Institute for Reporters' Freedom and Safety, International Media Support, PEN International and Reporters without Borders, 9 October 2017 <https://pen-international.org/app/uploads/AZ-UPR-A19-joint-submission-FINAL.pdf>

² Joint statement, Free Azerbaijani Journalist Mehman Huseynov, 2 May 2017: <http://pen-international.org/news/free-azerbaijani-journalist-mehman-huseynov>

³ Report of the Working Group on Arbitrary Detention on its mission to Azerbaijan, A/HRC/36/37/Add.1, 2 August 2017

⁴ Ibid.

⁵ PEN International, Azerbaijan: Health concern for imprisoned writer, 17 February 2017: <http://pen-international.org/news/azerbaijan-health-concern-for-imprisoned-writer>

⁶ PEN International, Azerbaijan: kidnapped journalist must be released immediately, 2 June 2017: <http://pen-international.org/news/azerbaijan-kidnapped-journalist-must-be-released-immediately>

disappeared and subsequently charged with possession of narcotics, for which he faces up to 12 years' imprisonment if found guilty. He alleged being tortured during the period of his disappearance.⁷

The Azerbaijani authorities continue to arbitrarily arrest individuals for engaging in dissent and release them as a mechanism of control. Released political prisoners are commonly unable to return to their previous work and political activities. Many have not had convictions quashed, are under surveillance, face travel bans and ongoing harassment. Prominent investigative journalist Khadija Ismayilova, released in May 2016 after the Supreme Court commuted her sentence,⁸ is still subject to restrictions on her movement, including a travel ban.

The Azerbaijani authorities dominate the country's media landscape, through regulations, direct ownership or indirect economic control. The majority of independent media outlets have been forced to close or go into exile, with those still operating inside the country subject to police raids, financial pressures, and prosecution of journalists and editors on politically-motivated charges.⁹

Azerbaijan's presidential elections in April 2018 lacked genuine competition and were held in an environment of curtailed rights and freedoms.¹⁰ This was the first presidential election since constitutional amendments in 2016 that further increased the powers of the president and weakened the courts.¹¹ Draconian legislation continues to impede the work of independent groups, making it almost impossible to fund and carry out their work.

The Assembly of Delegates of PEN International calls on the government of Azerbaijan to:

- Immediately and unconditionally release all persons arbitrarily detained for exercising their right to freedom of expression, and, where applicable, quash their convictions and remove restrictions on their freedom of movement;
- End the persecution of journalists, human rights defenders, media workers and activists, including through politically motivated criminal prosecutions, and simultaneously take active steps to prevent and protect such groups from threats and violence – including from non-state actors – and end impunity for such crimes;
- Fully implement the recommendations of the UN Working Group on Arbitrary Detention following its 2016 country visit. In particular, investigate promptly, thoroughly and impartially all allegations of torture, arbitrary arrest and detention of human rights defenders, journalists, political opponents and religious leaders; prosecute and punish appropriately those found guilty, and provide victims with redress;
- Support and rigorously uphold an independent and pluralistic media sector;
- Comprehensively reform all laws limiting the right to freedom of association, in particular the 2011 law on NGOs and the 2013 and 2014 amendments thereto, and bring them in line with Azerbaijan's obligations under international human rights law;

⁷ PEN International concerned about reprisals against Sahib Teymurov's family members, 13 February 2018: <http://pen-international.org/news/pen-international-concerned-about-reprisals-against-sahib-teymurovs-family-members>

⁸ PEN International, On World Press Freedom Day PEN Calls on Azerbaijan to free Khadija Ismayilova, 3 May 2016: <http://pen-international.org/news/on-world-press-freedom-day-pen-calls-on-azerbaijan-to-free-khadija-ismayilova>

⁹ Eurasianet, Azerbaijan: Court Upholds the Blocking of Independent Media Outlets, 15 May 2017: <https://eurasianet.org/node/83591>

¹⁰ Organization for Security and Co-operation in Europe, Azerbaijan, Early Presidential Election, 11 April 2018: Statement of Preliminary Findings and Conclusions, 12 April 2018: <https://www.osce.org/odihr/elections/azerbaijan/377617>

¹¹ Council of Europe's Venice Commission, Azerbaijan Preliminary Opinion on the draft modifications to the constitution submitted to the referendum of 26th September 2016, 20 September 2016: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2016\)010-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2016)010-e)

- Decriminalise defamation fully, including by reversing the introduction of heightened penalties for online forms of defamation, repealing Articles 148, 148-1, 323.1, and 323.1-1 of the Criminal Code;
- Initiate reforms to bring the Constitution in line with Azerbaijan's obligations under international human rights law, with full and effective public participation, and full parliamentary scrutiny.